

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2094

Chapter 219, Laws of 2003

58th Legislature
2003 Regular Session

LAW ENFORCEMENT INVESTIGATIONS--DETAINING INDIVIDUALS

EFFECTIVE DATE: 7/27/03

Passed by the House April 22, 2003
Yeas 95 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 17, 2003
Yeas 41 Nays 4

BRAD OWEN

President of the Senate

Approved May 12, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2094** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 12, 2003 - 3:57 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2094

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to detaining a person for the purpose of allowing
2 a law enforcement investigation; adding a new section to chapter 9A.16
3 RCW; and adding a new section to chapter 4.24 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.16 RCW
6 to read as follows:

7 (1) In a criminal action brought against the detainer by reason of
8 a person having been detained on or in the immediate vicinity of the
9 premises of an outdoor music festival or related campground for the
10 purpose of pursuing an investigation or questioning by a law
11 enforcement officer as to the lawfulness of the consumption or
12 possession of alcohol or illegal drugs, it is a defense that the
13 detained person was detained in a reasonable manner and for not more
14 than a reasonable time to permit the investigation or questioning by a
15 law enforcement officer, and that a peace officer, owner, operator,
16 employee, or agent of the outdoor music festival had reasonable grounds
17 to believe that the person so detained was unlawfully consuming or
18 attempting to unlawfully consume or possess, alcohol or illegal drugs
19 on the premises.

1 (2) For the purposes of this section:

2 (a) "Illegal drug" means a controlled substance under chapter 69.50
3 RCW for which the person detained does not have a valid prescription or
4 that is not being consumed in accordance with the prescription
5 directions and warnings, or a legend drug under chapter 69.41 RCW for
6 which the person does not have a valid prescription or that is not
7 being consumed in accordance with the prescription directions and
8 warnings.

9 (b) "Outdoor music festival" has the same meaning as in RCW
10 70.108.020, except that no minimum time limit is required.

11 (c) "Reasonable grounds" include, but are not limited to:

12 (i) Exhibiting the effects of having consumed liquor, which means
13 that a person has the odor of liquor on his or her breath, or that by
14 speech, manner, appearance, behavior, lack of coordination, or
15 otherwise exhibits that he or she has consumed liquor, and either:

16 (A) Is in possession of or in close proximity to a container that
17 has or recently had liquor in it; or

18 (B) Is shown by other evidence to have recently consumed liquor; or

19 (ii) Exhibiting the effects of having consumed an illegal drug,
20 which means that a person by speech, manner, appearance, behavior, lack
21 of coordination, or otherwise exhibits that he or she has consumed an
22 illegal drug, and either:

23 (A) Is in possession of an illegal drug; or

24 (B) Is shown by other evidence to have recently consumed an illegal
25 drug.

26 (d) "Reasonable time" means the time necessary to permit the person
27 detained to make a statement or to refuse to make a statement, and the
28 time necessary to allow a law enforcement officer to determine the
29 lawfulness of the consumption or possession of alcohol or illegal
30 drugs. "Reasonable time" may not exceed one hour.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
32 to read as follows:

33 (1) In a civil action brought against the detainer by reason of a
34 person having been detained on or in the immediate vicinity of the
35 premises of an outdoor music festival or related campground for the
36 purpose of investigation or questioning as to the lawfulness of the
37 consumption or possession of alcohol or illegal drugs, it is a defense

1 that the detained person was detained in a reasonable manner and for
2 not more than a reasonable time to permit the investigation or
3 questioning by a law enforcement officer, and that a peace officer,
4 owner, operator, employee, or agent of the outdoor music festival had
5 reasonable grounds to believe that the person so detained was
6 unlawfully consuming or attempting to unlawfully consume or possess,
7 alcohol or illegal drugs on the premises.

8 (2) For the purposes of this section:

9 (a) "Illegal drug" means a controlled substance under chapter 69.50
10 RCW for which the person detained does not have a valid prescription or
11 that is not being consumed in accordance with the prescription
12 directions and warnings, or a legend drug under chapter 69.41 RCW for
13 which the person does not have a valid prescription or that is not
14 being consumed in accordance with the prescription directions and
15 warnings.

16 (b) "Outdoor music festival" has the same meaning as in RCW
17 70.108.020, except that no minimum time limit is required.

18 (c) "Reasonable grounds" include, but are not limited to:

19 (i) Exhibiting the effects of having consumed liquor, which means
20 that a person has the odor of liquor on his or her breath, or that by
21 speech, manner, appearance, behavior, lack of coordination, or
22 otherwise exhibits that he or she has consumed liquor, and either:

23 (A) Is in possession of or in close proximity to a container that
24 has or recently had liquor in it; or

25 (B) Is shown by other evidence to have recently consumed liquor; or

26 (ii) Exhibiting the effects of having consumed an illegal drug,
27 which means that a person by speech, manner, appearance, behavior, lack
28 of coordination, or otherwise exhibits that he or she has consumed an
29 illegal drug, and either:

30 (A) Is in possession of an illegal drug; or

31 (B) Is shown by other evidence to have recently consumed an illegal
32 drug.

33 (d) "Reasonable time" means the time necessary to permit the person
34 detained to make a statement or to refuse to make a statement, and the
35 time necessary to allow a law enforcement officer to determine the
36 lawfulness of the consumption or possession of alcohol or illegal

1 drugs. "Reasonable time" may not exceed one hour.

Passed by the House April 22, 2003.

Passed by the Senate April 17, 2003.

Approved by the Governor May 12, 2003.

Filed in Office of Secretary of State May 12, 2003.